

**REMARKS**

Reconsideration of the application in light of the following remarks is respectfully requested.

Claims 1-8 are pending.

**Rejection under 35 U.S.C. §103**

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Interactive Layout Mechanisms for Image Database Retrieval*, John MacCuish, et al., SPIE 104-115, vol. 2656, January 1996 (“MacCuish”) in view of U.S. Patent No. 6,219,053 to Tachibana et al. (“Tachibana”) and U.S. Patent No. 5,757,358 to Osga. Applicant respectfully traverses the rejection.

The Examiner contends that MacCuish discloses most of the features of claims 1-8. However, the Examiner acknowledges that MacCuish fails to disclose “the control means to select a position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons,” and further fails to disclose “the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit.” (Detailed Action, page 2.) The Examiner cites Tachibana (column 2, lines 42-52, and column 1, lines 1-5, respectively) as disclosing those features acknowledged to be missing from MacCuish.

However, the Examiner also acknowledges that the combination of MacCuish and Tachibana fails to disclose, or suggest, “the display or removal of an icon related to a database element upon the selection of an arbitrary position on the display.” (Detailed Action, page 3.) The Examiner relies on Osga as disclosing “the selection and manipulation of an object on the display based on the selection of an arbitrary position by the user, based on the distance of a cursor to an object, as shown at col. 4, lines 40-53.” (Detailed Action, page 3) The Examiner contends that it would have been obvious to a person of ordinary skill in the art to combine MacCuish, Tachibana, and Osga to achieve the invention of claims 1-8.

Applicant submits that the disclosure of Osga, column 4, lines 40-53, has no bearing on the patentability of independent claims 1 and 5. Osga in general is directed to determining if a cursor is located over a position on a display that corresponds to an object that a user wishes to select. Osga discloses a solution to the problem where a user must move his cursor to an object to be selected, estimate that the cursor appropriately overlaps the limited area directly over the object, and then must make a selection action. (Osga, column 1, lines 53-66.) Osga merely discloses a scheme to highlight an object that is closest to the actual cursor placement selected by the user.

In contrast, the present invention displays icons (which represent database elements) at positions **selected by a control means**, where the **distance of the icons on the display unit corresponds with the degree of dissimilarity of the database elements** being represented. Claim 1 recites:

[a] control means [that] selects any arbitrary position on the display unit and [a] user interface [that] displays or removes an icon that relates to an element of the database and of which the degree of dissimilarity, in respect of the elements whose corresponding icons are displayed elsewhere on the display unit, corresponds with the distance taken up by the selected position in relation to the icons displayed elsewhere on the display unit.

Under the present invention, an icon appears at the position selected by the control means when there is an element in the database having a corresponding distance to database elements for which icons are already displayed elsewhere on the display unit. Applicant submits that the present invention is significantly different than the system that results from the combination of MacCuish, Tachibana, and Osga.

Applicant further submits that in the rapidly advancing art of graphical display technology, a person of ordinary skill in the art in possession of MacCuish and Tachibana would not be motivated to add the older technology disclosed in Osga.

For the reasons demonstrated above, Applicant respectfully submits that MacCuish, Tachibana, and Osga neither discloses nor suggests the invention recited in claim 1. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness.

Independent claim 5 is directed to a method and recites steps which implement the novel features of claim 1 as discussed above. Applicant submits that claim 5 is patentable over the combination of MacCuish, Tachibana, and Osga for the reasons demonstrated above with respect to claim 1.

With respect to dependant claims 2-4 and 6-8, Applicant submits that these claims depend directly or indirectly from the independent claims discussed above and should be allowed at least for the same reasons discussed for their respective base claims.

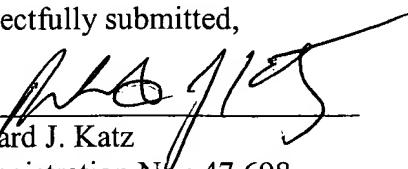
### CONCLUSION

Each and every point raised in the Office Action dated October 12, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-8 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: January 12, 2006

Respectfully submitted,

By   
Richard J. Katz

Registration No.: 47,698  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant